

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 ARTHUR D. TAGGART  
Supervising Deputy Attorney General  
3 ROBERT B. MILLER, State Bar No. 57819  
Deputy Attorney General  
4 California Department of Justice  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 322-0253  
Facsimile: (916) 327-8643

7 Attorneys for Complainant  
8

9 **BEFORE THE**  
10 **BOARD OF REGISTERED NURSING**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2008-270

13 MARK RODERICK SCHINDLER  
261 Fairmount Ave. #17  
14 Oakland, CA 94611  
and  
15 Schindler, Mark Roderick DC#L54499  
Jefferson Correctional Institution  
16 1050 Big Joe Road  
Monticello, FL 32344-0430

**A C C U S A T I O N**

17 Registered Nurse License No. 628826

18 Respondent.  
19

20 Complainant alleges:

21 **PARTIES**

22 1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation  
23 solely in her official capacity as the Executive Officer of the Board of Registered Nursing  
24 ("Board"), Department of Consumer Affairs.

25 2. On or about November 4, 2003, the Board issued Registered Nurse  
26 License Number 628826 to Mark Roderick Schindler ("Respondent"). The Registered Nurse  
27 License was in full force and effect at all times relevant to the charges brought herein and expired  
28 on August 31, 2007.

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

4. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.

21  
22  
23  
24  
25  
26  
27  
28

6. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

///

1 **FIRST CAUSE FOR DISCIPLINE**

2 (Out-of-State Discipline)

3 7. Respondent's registered nurse license is subject to disciplinary action  
4 under Code section 2761(a)(4) on the grounds of unprofessional conduct, in that, effective  
5 October 6, 2006, pursuant to the Final Order entered by the State of Florida Board of Nursing, in  
6 the matter of *Department of Health v. Mark Schindler* Case No. 2002-31239 (attached hereto as  
7 **Exhibit A**), the State of Florida Board of Nursing accepted the voluntary relinquishment of  
8 Respondent's Florida License No. RN1377412. The basis of said discipline was that on or about  
9 September 21, 2004, Respondent was convicted of sexual battery in that Respondent touched and  
10 placed his fingers inside a female's vagina and anus, and had sexual intercourse with her against  
11 her will, as more fully set forth in paragraph 8, below.

12 **SECOND CAUSE FOR DISCIPLINE**

13 (Criminal Conviction)

14 8. Respondent's registered nurse license is subject to discipline under Code  
15 section 2761(f), in that on or about September 21, 2004, Respondent was convicted on his plea of  
16 nolo contendere of one count of sexual battery in violation of section 794.011(5), Florida Statutes,  
17 and one count of false imprisonment, in violation of section 794.011(5), Florida Statutes, in the  
18 Seventeenth Judicial Circuit Court, Broward County, Florida, Offense Report No. 02-21349CF.  
19 Such conduct is substantially related to the qualifications, functions, and duties of a registered  
20 nurse.

21 **PRAYER**

22 **WHEREFORE**, Complainant requests that a hearing be held on the matters  
23 herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:


24 1. Revoking or suspending Registered Nurse License Number 628826, issued  
25 to Mark Roderick Schindler;

26 2. Ordering Mark Roderick Schindler to pay the Board of Registered Nursing  
27 the reasonable costs of the investigation and enforcement of this case, pursuant to Code section  
28 125.3; and

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

3. Taking such other and further action as deemed necessary and proper.

DATED: 3/24/08

  
RUTH ANN TERRY, M.P.H., R.N.  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

03579110-2007100182  
~9397670.wpd  
bc [2/21/07]